

**U.S. District Court
Southern District of Alabama (Mobile)
CIVIL DOCKET FOR CASE #: 1:06-cv-00215-BH-M**

Cooley et al v. Ameriquest Mortgage, Inc. et al
Assigned to: Senior Judge W. B. Hand
Referred to: Magistrate Judge Bert W. Milling, Jr
Cause: 15:1601 Truth in Lending

Date Filed: 04/06/2006
Date Terminated: 12/27/2007
Jury Demand: Plaintiff
Nature of Suit: 370 Fraud or Truth-In-Lending
Jurisdiction: Federal Question

Plaintiff

Wilbert Cooley

represented by **April A. England-Albright**
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Plaintiff

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V.

Defendant

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Defendant

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TERMINATED: 08/25/2006

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Date Filed	#	Docket Text
04/06/2006	<u>1</u>	COMPLAINT against Ameriquist Mortgage, Inc., Heritage Title, LLC (Filing fee \$ 250, Receipt number 330678, Online Credit Card Payment.), filed by Wilbert Cooley, Kandee Cooley. (Attachments: # <u>1</u> Summons – Ameriquist Mortgage# <u>2</u> Summons – Heritage Title)(England–Albright, April) Additional attachment(s) # <u>3</u> Civil Cover Sheet added on 4/6/2006 (srr,). (Entered: 04/06/2006)
04/10/2006	<u>2</u>	Summons Issued as to Ameriquist Mortgage, Inc., Heritage Title, LLC. (mailed to plaintiffs counsel for service) (srr,) (Entered: 04/10/2006)
05/08/2006	<u>3</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by Ameriquist Mortgage, Inc.. (Beardsley, Robin) (Entered: 05/08/2006)
05/10/2006	<u>4</u>	ENDORSED ORDER. Granting <u>3</u> Defendant Ameriquist Mortgage, Inc.'s unopposed Motion for Extension of Time to Answer. Answer now due from Ameriquist Mortgage, Inc. on or before 5/24/2006. Signed by Judge W. B. Hand on 5/10/2006.(mfb) (Entered: 05/10/2006)
05/24/2006	<u>5</u>	ANSWER to Complaint by Ameriquist Mortgage, Inc..(Beardsley, Robin) (Entered: 05/24/2006)
05/24/2006	<u>6</u>	PRELIMINARY SCHEDULING ORDER entered Rule 26 Meeting Report due by 7/10/2006. Signed by Judge Bert W. Milling Jr. on 5/24/06. (adk) (Entered: 05/24/2006)
05/24/2006	<u>7</u>	MOTION to Dismiss <i>Plaintiff Wilbert Cooley</i> by Ameriquist Mortgage, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C)(Beardsley, Robin) (Entered: 05/24/2006)
05/25/2006	<u>8</u>	ORDER TO SHOW CAUSE. Plaintiffs are hereby ORDERED to SHOW CAUSE on or before 6/8/2006 as to why Plaintiff Wilbert Cooley's claims against Defendant Ameriquist Mortgage should not be dismissed. Signed by Judge W. B. Hand on 5/25/2006. (mfb) (Entered: 05/25/2006)
06/08/2006	<u>9</u>	RESPONSE in Opposition re <u>7</u> MOTION to Dismiss <i>Plaintiff Wilbert Cooley claims</i> filed by Wilbert Cooley. (Attachments: # <u>1</u> Affidavit Bankruptcy Trustee# <u>2</u> Exhibit of Amendment motion filed by Wilbert Cooley)(England–Albright, April) (Entered: 06/08/2006)
06/12/2006	<u>10</u>	ORDER denying <u>7</u> Motion to Dismiss . Signed by Judge W. B. Hand on 6/12/06. (srr,) (Entered: 06/12/2006)
06/19/2006	<u>11</u>	<i>Ameriquist Mortgage Company's</i> ANSWER to Complaint of <i>Wilbert Cooley</i> by Ameriquist Mortgage, Inc..(Houser, Kaye) (Entered: 06/19/2006)
06/29/2006	<u>12</u>	MOTION for Extension of Time to File Answer by Heritage Title, LLC. (Huffaker, Robert) (Entered: 06/29/2006)
06/29/2006	<u>13</u>	

		ENDORSED ORDER. Granting Defendant Heritage Title, LLC's Motion <u>12</u> for Extension of Time to Answer. Answer now due on or before 7/17/2006. Signed by Judge W. B. Hand on 6/29/2006. (mfb) (Entered: 06/29/2006)
07/10/2006	<u>14</u>	Joint MOTION to Stay by Wilbert Cooley, Kandee Cooley. (Attachments: # <u>1</u> Exhibit A)(Beardsley, Robin) (Entered: 07/10/2006)
07/11/2006	<u>15</u>	ENDORSED ORDER. Granting Parties' Joint Motion <u>14</u> to Stay pending resolution of the conditional transfer to Multidistrict Litigation. Signed by Judge W. B. Hand on 7/10/2006. (mfb) (Entered: 07/11/2006)
07/17/2006	<u>16</u>	ANSWER to Complaint by Heritage Title, LLC.(Huffaker, Robert) (Entered: 07/17/2006)
08/24/2006	<u>17</u>	NOTICE of Appearance by Laura C. Nettles on behalf of Heritage Title, LLC (Nettles, Laura) (Entered: 08/24/2006)
08/24/2006	<u>18</u>	MOTION for Robert A. Huffaker to Withdraw as Attorney by Heritage Title, LLC. (Huffaker, Robert) (Entered: 08/24/2006)
08/25/2006	<u>19</u>	ENDORSED ORDER. Granting <u>18</u> Attorney Robert A. Huffaker's Motion to Withdraw as counsel for Defendant Heritage Title, LLC. Attorney Robert A. Huffaker now terminated. Signed by Judge W. B. Hand on 8/25/2006. (mfb) (Entered: 08/25/2006)
10/23/2006	<u>20</u>	Order Vacating Conditional Transfer Order re: MDL 1715 (srr,) (Entered: 10/25/2006)
10/30/2006	<u>21</u>	ORDER LIFTING STAY imposed on 7/11/06; this action is referred to the Magistrate Judge for entry of an appropriate Rule 16(b) Scheduling Order. Signed by Judge W. B. Hand on 10/30/06. (srr,) (Entered: 10/30/2006)
10/30/2006	<u>22</u>	Order that the parties are to file their Rule 26 Meeting Report by 11/9/2006. Signed by Judge Bert W. Milling Jr. on 10/30/06. (srr,) (Entered: 10/31/2006)
11/09/2006	<u>23</u>	<i>Report of Party meeting</i> by Wilbert Cooley. (England–Albright, April) Modified on 11/9/2006 (srr,). (Entered: 11/09/2006)
11/09/2006	<u>23</u>	REFERRAL OF <u>23</u> MOTION <i>Report of Party meeting</i> to Judge Milling. (srr,) (Entered: 11/09/2006)
11/14/2006	<u>24</u>	SCHEDULING ORDER: Pretrial Conference set for 9/12/2007 09:00 AM in Chambers before Senior Judge W. B. Hand. Amended Pleadings due by 2/2/2007. Discovery cutoff 6/1/2007. Motions due by 6/22/2007. Jury Selection set for 10/2/2007 08:45 AM. Jury Trial set for month of October 2007. Ett 1–2 days. Position Regarding Settlement due by 6/1/2007.The fictitious parties set out in the complaint are STRICKEN. Signed by Judge Bert W. Milling Jr. on 11/13/06. (Attachments: # <u>1</u> Standing Pretrial Order)(srr,) (Entered: 11/14/2006)
11/29/2006	<u>25</u>	NOTICE by Ameriquet Mortgage, Inc. <i>of Service of its Initial Disclosures</i> (Beardsley, Robin) (Entered: 11/29/2006)
12/07/2006	<u>26</u>	NOTICE by Wilbert Cooley, Kandee Cooley <i>of Plaintiff's initial disclosures</i> (England–Albright, April) (Entered: 12/07/2006)
03/02/2007	<u>27</u>	Emergency MOTION Relief of payment of mortgage payment by Wilbert Cooley, Kandee Cooley. (England–Albright, April) (Entered: 03/02/2007)
03/02/2007	<u>28</u>	Emergency MOTION for Extension of Time by Wilbert Cooley, Kandee Cooley. (England–Albright, April) (Entered: 03/02/2007)

03/02/2007	"	MOTIONS REFERRED: <u>27</u> Emergency MOTION Relief of payment of mortgage payment, <u>28</u> Emergency MOTION for Extension of Time Referred to Judge Bert W. Milling, Jr. (srr) (Entered: 03/02/2007)
03/02/2007	" <u>29</u>	Order re: <u>27</u> Emergency MOTION Relief of payment of mortgage payment filed by Wilbert Cooley, Kandee Cooley; Response to Motion due by 3/16/2007; <u>28</u> Emergency MOTION for Extension of Time filed by Wilbert Cooley, Kandee Cooley; plaintiff is to confer with opposing counsel by 3/7/07 and then supplement the motion with the results of that conference. Signed by Judge Bert W. Milling Jr. on 3/2/07. (srr) (Entered: 03/05/2007)
03/07/2007	" <u>30</u>	NOTICE by Wilbert Cooley, Kandee Cooley <i>of no opposition to Plaintiff's request to extend time to File expert reports</i> (England-Albright, April) (Entered: 03/07/2007)
03/07/2007	"	REFERRAL OF <u>30</u> Notice (Other) to Judge Milling. (srr) (Entered: 03/07/2007)
03/12/2007	" <u>31</u>	ENDORSED ORDER: After consideration of <u>28</u> Motion for Extension of Time, as supplemented <u>30</u> , the motion is GRANTED. The dates for expert disclosures are EXTENDED BY AGREEMENT to 4/6/07 for Plaintiffs and to 5/7/07 for Defendants. Signed by Judge Bert W. Milling Jr. on 3/12/2007. (vlh) (Entered: 03/12/2007)
03/15/2007	" <u>32</u>	RESPONSE to Motion re: <u>27</u> Emergency MOTION Relief of payment of mortgage payment filed by Ameriquet Mortgage, Inc.. (Beardsley, Robin) (Entered: 03/15/2007)
03/15/2007	"	REFERRAL OF <u>32</u> Response to Motion to Judge Milling. (srr) (Entered: 03/15/2007)
03/19/2007	" <u>33</u>	ENDORSED ORDER: After consideration of <u>27</u> plaintiff's motion for relief from payment of mortgage and defendant Ameriquet Mortgage, Inc.'s response <u>32</u> , the motion is DENIED for the reasons set out in defendant's response. Signed by Judge Bert W. Milling Jr. on 3/19/2007. (vlh) (Entered: 03/19/2007)
03/27/2007	" <u>34</u>	NOTICE by Wilbert Cooley, Kandee Cooley <i>serving subpoenas to HUD</i> (England-Albright, April) (Entered: 03/27/2007)
05/17/2007	" <u>35</u>	Joint MOTION for Extension of Time to Complete Discovery by Wilbert Cooley, Kandee Cooley, Ameriquet Mortgage, Inc., Heritage Title, LLC. (England-Albright, April) (Entered: 05/17/2007)
05/21/2007	"	MOTIONS REFERRED: <u>35</u> Joint MOTION for Extension of Time to Complete Discovery Referred to Judge Bert W. Milling, Jr. (srr) (Entered: 05/21/2007)
05/24/2007	" <u>36</u>	ENDORSED ORDER granting <u>35</u> Motion for Extension of Time to Complete Discovery and EXTENDING discovery cutoff to August 3, 2007. An Amended Rule 16(b) Scheduling Order will be entered. Signed by Judge Bert W. Milling Jr. on 5/24/2007. (vlh) (Entered: 05/24/2007)
05/25/2007	" <u>37</u>	AMENDED SCHEDULING ORDER: Pretrial Conference set for 12/12/2007 09:00 AM in Chambers before Senior Judge W. B. Hand, Discovery cutoff 8/3/2007, Motions due by 8/24/2007, Jury Selection set for 1/3/2008 08:45 AM, Jury Trial set for month of January 2008, ETT 1-2 days, Position Regarding Settlement due by 8/3/2007. Signed by Judge Bert W. Milling Jr. on 5/24/07. (srr) (Entered: 05/25/2007)
07/03/2007	" <u>38</u>	NOTICE of Appearance by Earl P. Underwood on behalf of Wilbert Cooley, Kandee Cooley (Underwood, Earl) (Entered: 07/03/2007)
07/06/2007	" <u>39</u>	Objection to Plaintiffs' Notice of Taking Deposition Under 30(b)(6) filed by Ameriquet Mortgage, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D) (Beardsley, Robin) (Entered: 07/06/2007)

07/06/2007	<u>" 40</u>	NOTICE of Appearance by James Donnie Patterson on behalf of Wilbert Cooley, Kandee Cooley (Patterson, James) (Entered: 07/06/2007)
07/10/2007	<u>" 41</u>	MOTION to Stay by Wilbert Cooley, Kandee Cooley. (Attachments: # <u>1</u> Exhibit 1) (Underwood, Earl) (Entered: 07/10/2007)
07/10/2007	<u>" 42</u>	ORDER granting <u>41</u> Motion to Stay pending further order of court. It is FURTHER ORDERED that plaintiff file a Status Report on the second Tuesday of each month commencing 8/14/07. Signed by Judge W. B. Hand on 7/10/07. (srr) (Entered: 07/10/2007)
07/26/2007	<u>" 43</u>	NOTICE of Appearance by Kenneth J. Riemer on behalf of Wilbert Cooley, Kandee Cooley (Riemer, Kenneth) (Entered: 07/26/2007)
08/16/2007	<u>" 44</u>	STATUS REPORT by Wilbert Cooley, Kandee Cooley. (Underwood, Earl) (Entered: 08/16/2007)
08/16/2007	<u>" 45</u>	Document endorsed NOTED by Judge W. B. Hand : Status Report <u>44</u> filed by Wilbert Cooley, Kandee Cooley (dkf) (Entered: 08/16/2007)
08/20/2007	<u>" 46</u>	Order entered that this action is DISMISSED WITH PREJUDICE subject to the right of either party to reinstate the action within 30 days should the settlement not be consummated. Signed by Judge W. B. Hand on 8/20/07. (srr) (Entered: 08/21/2007)
08/21/2007	<u>" 47</u>	MOTION to Reopen Case by Wilbert Cooley, Kandee Cooley. (Patterson, James) (Entered: 08/21/2007)
08/21/2007	<u>" 48</u>	ORDER GRANTING <u>47</u> Motion to Reinstate Case; the dismissal order entered 8/20/07 <u>46</u> is VACATED. Signed by Judge W. B. Hand on 8/21/07. (srr) (Entered: 08/21/2007)
09/13/2007	<u>" 49</u>	STATUS REPORT by Wilbert Cooley, Kandee Cooley. (Underwood, Earl) (Entered: 09/13/2007)
09/13/2007	<u>"</u>	REFERRAL OF <u>49</u> Status Report to Judge Hand. (srr) (Entered: 09/13/2007)
09/17/2007	<u>" 50</u>	Document endorsed NOTED by Judge W. B. Hand : Status Report <u>49</u> filed by Wilbert Cooley, Kandee Cooley (dkf) (Entered: 09/17/2007)
09/26/2007	<u>" 51</u>	NOTICE by Wilbert Cooley, Kandee Cooley of <i>Filing Motion for Tag Along Action and Brief in Support</i> (Attachments: # <u>1</u> Exhibit Motion for Tag Along Action# <u>2</u> Exhibit Brief In Support of Motion for Tag Along Action) (Underwood, Earl) (Entered: 09/26/2007)
09/26/2007	<u>" 52</u>	Document endorsed NOTED by Judge W. B. Hand : Notice (Other) <u>51</u> filed by Wilbert Cooley, Kandee Cooley (dkf) (Entered: 09/26/2007)
10/11/2007	<u>" 53</u>	STATUS REPORT by Wilbert Cooley, Kandee Cooley. (Underwood, Earl) (Entered: 10/11/2007)
10/15/2007	<u>" 54</u>	Document endorsed NOTED by Judge W. B. Hand : Status Report <u>53</u> filed by Wilbert Cooley, Kandee Cooley (dkf) (Entered: 10/15/2007)
11/14/2007	<u>" 55</u>	STATUS REPORT by Wilbert Cooley, Kandee Cooley. (Underwood, Earl) (Entered: 11/14/2007)
11/14/2007	<u>" 56</u>	Document endorsed NOTED by Judge W. B. Hand : Status Report <u>55</u> filed by Wilbert Cooley, Kandee Cooley (dkf) (Entered: 11/14/2007)
12/20/2007	<u>" 57</u>	STATUS REPORT by Wilbert Cooley, Kandee Cooley. (Attachments: # <u>1</u> Exhibit A) (Underwood, Earl) (Entered: 12/20/2007)

12/27/2007	" <u>58</u>	Conditional Transfer Order (MDL) from Northern District of Illinois requesting transfer of action. Entire case file electronically transmitted to requesting District consisting of documents 1–58 (Attachments: # <u>1</u> transmittal letter) (srr) (Entered: 01/02/2008)
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